

1 Sandy D. Baggett
P.O. Box 1069
Spokane, WA 99201
2 sandy@sandybaggett.com
(509) 822-9022
3
4
5

6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 **UNITED STATES OF AMERICA,**

9 Plaintiff,

10 v.

11 **KOLLIN DEAN MAZUR,**

12 Defendant.
13
14
15
16
17
18
19

No. 2:22-CR-00003-MKD-1

Reply to Government's Motion
for Detention

1 The defendant, Kollin Dean Mazur, through counsel, submits this reply to the
2 Government's motion for pretrial detention (ECF #35), and to the court's stated
3 concerns in the order for detention (ECF #48). The defendant requests that the court
4 accept this reply out of time because (1) the ECF filing system was unavailable
5 March 11-12, and (2) on or about March 10, the defendant was moved to a jail 200
6 miles away from Spokane *without any notice* to defense counsel, and the defendant
7 was thereby cut off from access to counsel. In this reply, the defendant requests the
8 court to release him to an inpatient drug treatment program in Spokane.

9 (1) The court has specifically asked for a reply to certain Facebook messages
10 proffered by the government at the detention hearing. Those messages were between
11 the defendant and the mother of his child, Tekiyah Kuglar, from August to
12 September 2021. Those conversations evidence Ms. Kuglar's desperate attempt to
13 help the defendant with his drug addiction and to convince him to stop using serious
14 drugs. She also indicates that she does not know what "Mexis" or fentanyl is. While
15 her methods of trying to help the defendant may seem unorthodox, they reflect two
16 people who are poor, lack adequate medical insurance, and lack access to resources
17 and information about how to get drug addiction treatment. The defendant should
18 not now be subject to pretrial detention because he and Ms. Kuglar are poor and
19 lack resources and information on getting help.¹

¹ The government similarly argued that the defendant should be detained because Ms. Kuglar, a

1 (2) Apparently, following the defendant's arraignment, the government entered a
2 separation order on concerns for the defendant's safety in the Spokane County Jail.
3 Following that order, the U.S. Marshals Service moved the defendant to Kittitas
4 County Jail in Ellensburg, WA. This was all done without any notice to defense
5 counsel, who only became aware of the move through Ms. Wright (a drug treatment
6 assessment counselor), who attempted to follow up with the defendant at Spokane
7 County Jail and discovered he was no longer there. The defendant is now practically
8 cut off from access to legal assistance. Poor inmates who do not have family
9 members who can give them money on their jail accounts cannot make *any* phone
10 calls. Nearly all local jails in Washington have lock down rules prohibiting phone
11 calls on the weekend, and many do not have the manpower to set up legal calls from
12 attorneys on a regular basis. The situation in this case is even more aggravated
13 because there is a protection order covering *all* discovery (ECF # 28), such that
14 copies of discovery cannot be mailed to the defendant to review; it must be
15 reviewed with the attorney *in person*, and now the defendant is located 200 miles
16 from his attorney. The defendant was only recently brought into the jurisdiction and
17 arraigned, and he has not yet had any opportunity to review any discovery. While
18 concern over the defendant's safety is a valid consideration, the solution cannot be

19 single mother of four children on government assistance, had children with dirty diapers. Poor and
disadvantaged people often cannot afford as many diapers a day as more privileged people. Again,
the defendant should not be detained because he and Ms. Kuglar are poor and lack resources.

1 that the defendant is then deprived of access to legal assistance.

2 The court may consider access to legal assistance when deciding whether to
3 release a defendant. For example, when an individual is in custody, the Bail Reform
4 Act “permit[s] the temporary release of the person, in the custody of a United States
5 Marshal or another appropriate person, to the extent that the judicial officer
6 determines such release to be necessary for preparation of the person’s defense or
7 for another compelling reason.” 18 U.S.C. § 3142(i). There is no greater necessity
8 for the preparation of a “person’s defense” than access to counsel, and with respect
9 to an accused’s need to consult with counsel, § 3142(i)(3) reaches *above* the
10 minimum standards set by the Sixth Amendment. *See, e.g., U.S. v. Rodriguez*, 2014
11 WL 4094561, at *4 (W.D.N.Y. 2014). The subsection’s plain text mandates the
12 removal of any impediment to private consultations between attorney and client that
13 are qualitatively and quantitatively reasonable. *Id.*; *see also Falcon v. U.S. Bureau*
14 *of Prisons*, 52 F.3d 137, 139 (7th Cir. 1995) (“Section 3142(i)(3) is designed to
15 protect a defendant’s Sixth Amendment right to counsel, and if that right is being
16 infringed, [the court] has the statutory authority to protect [defendant’s] access to
counsel.”).

17 (3) Before the defendant was moved to Kittitas County, he was able to complete
18 an assessment for inpatient drug treatment. He attended Innovative S.U.D
19 assessment update on March 10 at Spokane County Jail. He meets DSM5 criteria

1 for F11.20 (opiate) Substance use disorders. He currently meets medical necessity
2 for ASAM 3.5 Inpatient Care. (See attached email from Melissa Wright of Pioneer
3 Human Services). Ms. Wright has also indicated that ABHS has offered the
4 defendant a bed beginning March 23, 2022. The defendant has never had an
5 opportunity to engage in comprehensive addiction treatment, and he welcomes this
6 opportunity now.

7 Release to an inpatient drug treatment facility in Spokane will address all
8 three concerns outlined above. (1) Release would not be to the previously proposed
9 address where the court has concerns over stability in the living environment and
10 the defendant's ability to control his addiction. (2) Locating the defendant at ABHS
11 will also address the access to counsel issues because it would bring the defendant
12 back within a reasonable distance to his attorney. ABHS is very cooperative with
13 setting up private meeting rooms for meetings with counsel to review discovery in
14 person and facilitate legal advice and assistance. (3) ABHS is a quality program
15 frequently used successfully by other defendants in the Eastern District, and the
16 defendant wants to treat his addiction.

17 Therefore, the defendant respectfully requests the court to release him to the
18 ABHS inpatient drug treatment program with a release date of March 23, 2022.
19 Further, the defendant requests that the court order the U.S. Marshals to deliver the
defendant to that program on that date.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

Dated: March 14, 2022

s/ Sandy D. Baggett
Sandy D. Baggett, WSBA #54320
P.O. Box 1069
Spokane, WA 99201
(509) 822-9022

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

Service Certificate

I certify that on March 14, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which will notify Assistant United States Attorneys: Caitlin A. Baunsgard.

s/ Sandy D. Baggett
Sandy D. Baggett, WSBA #54320
P.O. Box 1069
Spokane, WA 99201
sandy@sandybaggett.com
(509) 822-9022